ESTTA Tracking number:

ESTTA491694 08/29/2012

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	University Athletic Association
Granted to Date of previous extension	08/29/2012
Address	P.O. Box 14485 Gainesville, FL 32604 UNITED STATES

Attorney	Alicia Grahn Jones
information	KILPATRICK TOWNSEND & STOCKTON LLP
	1100 Peachtree Street, Suite 2800
	Atlanta, GA 30309
	UNITED STATES
	tmadmin@kilpatricktownsend.com, aljones@ktslaw.com, rchou@ktslaw.com,
	hhenderson@ktslaw.com, brook@kilpatricktownsend.com Phone:404-815-6500

Applicant Information

Application No	85480582	Publication date	05/01/2012
Opposition Filing Date	08/29/2012	Opposition Period Ends	08/29/2012
Applicant	Incentive Marketing, Inc. 1702 W. University Ave A-1 Gainesville, FL 32603 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 1984/03/01 First Use In Commerce: 1984/03/01

All goods and services in the class are opposed, namely: On-line retail store services featuring a wide variety of consumer goods of others; Retail shops featuring clothing, sports team clothing, and a wide range of consumer goods of others

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)	
False suggestion of a connection	Trademark Act section 2(a)	
Priority and likelihood of confusion	Trademark Act section 2(d)	

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1222098	Application Date	08/06/1980
Registration Date	12/28/1982	Foreign Priority	NONE

		Date	T	
Word Mark	GATORS			
Design Mark	GATORS			
Description of Mark	NONE			
Goods/Services	Class 041. First use: First Use: 1955/00/00 First Use In Commerce: 1955/00/00 Entertainment Services-Namely, Conducting Intercollegiate Athletic Events for Others Class 042. First use: First Use: 1955/00/00 First Use In Commerce: 1955/00/00 Retail Store Stores, Distributorship Services and Mail Order Sales Services, in the Field of Wearing Apparel and Accessories, Novelty Items and Jewelry			
U.S. Registration No.	2206967	Application Date	09/09/1997	
Registration Date	12/01/1998	Foreign Priority Date	NONE	
Word Mark	GATORS		l	
Design Mark				
Description of Mark	NONE			
Goods/Services	Class 025. First use: First Use: 1955/00/00 First Use In Commerce: 1955/00/00 clothing, namely, shirts, T-shirts, sweat shirts, sweat pants, boxer shorts, sweaters, coats, caps and hats			
U.S. Registration No.	2205439	Application Date	09/09/1997	
Registration Date	11/24/1998	Foreign Priority Date	NONE	
Word Mark	GATORS			
Design Mark				
Description of Mark	NONE		y	
	NONE Class 025. First use: First Use clothing, namely, shirts, T-shir sweaters, coats, caps and har Class 041. First use: First Use [entertainment services, name tournaments and exhibitions]	rts, sweat shirts, sweats e: 1981/00/00 First Us ely, arranging and co	at pants, boxer shorts, se In Commerce: 1981/00/00	

Registration Date	03/01/1983	Foreign Priority Date	NONE
Word Mark	F		
Design Mark	F		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use	e: 1980/01/00 First U	se In Commerce: 1980/01/00
	Apparel-Namely, Shirts, Swea	iters, Belts and Caps	

U.S. Registration No.	2349246	Application Date	09/09/1997
Registration Date	05/16/2000	Foreign Priority Date	NONE
Word Mark	FLORIDA GATORS		
Design Mark			
	FLORIDA GATORS		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00		
	clothing, namely, shirts, T-shirts, sweat shirts, sweat pants, sweaters, coats, caps and hats		
	Class 041. First use: First Use: 1977/00/00 First Use In Commerce: 1977/00/00		
	entertainment services, namely, arranging and conducting athletic events, tournaments and exhibitions		

U.S. Registration No.	1225119	Application Date	07/11/1980
Registration Date	01/25/1983	Foreign Priority Date	NONE
Word Mark	FIGHTING GATORS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1955/00/00 First Use In Commerce: 1955/00/00		
	Apparel-Namely, Shirts, Bibs, Socks and Caps		

Attachments	75353943#TMSN.gif (1 page)(bytes) 73269856#TMSN.gif (1 page)(bytes) 75354125#TMSN.gif (1 page)(bytes) GATOR SHOP - 1.pdf (34 pages)(513158 bytes)
	EXHIBIT 8.pdf (14 pages)(1069214 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Alicia Grahn Jones/
Name	Alicia Grahn Jones
Date	08/29/2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

UNIVERSITY ATHLETIC)	Opposition
ASSOCIATION, INC.,)	
)	
Opposer,)	In the matter of Application
)	Serial No. 85/480,582
v.)	for the mark GATOR SHOP
)	
INCENTIVE MARKETING, INC.,)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Opposer University Athletic Association, Inc. ("Opposer" or the "UAA"), believes it will be damaged by the registration of the mark GATOR SHOP ("Applicant's Mark"), which is the subject of Application Serial No. 85/480,582, and opposes the same pursuant to 15 U.S.C. § 1063 and C.F.R. §§ 2.101, 2.104(a). The grounds for this opposition are as follows:

- 1. On November 23, 2011, Applicant Incentive Marketing, Inc. d/b/a Gator Shop ("Applicant") filed a use-based application to register the mark GATOR SHOP (Serial Nos. 85/480,582) for use in connection with "On-line retail store services featuring a wide variety of consumer goods of others; Retail shops featuring clothing, sports team clothing, and a wide range of consumer goods of others" in International Class 35, claiming a date of first use of March 1, 1984 (the "Application"). The term "SHOP" is disclaimed in the Application.
- 2. The Application was first published for opposition in the *Official Gazette* dated May 1, 2012. UAA timely filed an extension of time to oppose the Application and thus is allowed until August 29, 2012 to file this Notice of Opposition.
- 3. UAA is a Florida non-profit corporation with an address of P.O. Box 14485, Gainesville, Florida 32604. UAA acts on behalf of the University of Florida (the "University"), its athletic department, and its athletic teams and organizations.

- 4. The University of Florida is one of the largest universities in the United States with 49,589 students enrolled in the fall of 2011. The University is home to 16 colleges and offers more than 100 undergraduate and graduate programs.
- 5. The University's athletic teams are known as the "GATORS," and the University's mascot is an alligator. The University's athletic program is one of the best and most well-known in the nation. The University's football team has won three National Championships (1996, 2006, 2008) and eight SEC titles. The University's men's basketball team won the Division I Men's Basketball National Championship two years in a row in 2006 and 2007, and the Southeastern Conference ("SEC") titles for three consecutive years, 2005-2007. The University is the first to win both the Division I men's basketball title and the football title in the same year. As a result of the University's athletic successes, the University's athletic teams have been extensively featured on television broadcasts and in print and online media nationwide for decades.
- 6. Since at least as early as 1955, UAA and its predecessors have used the GATORS mark in connection with a broad range of goods and services. UAA has used its GATORS mark continuously since the date of first use and has not abandoned it.
- 7. For decades (and well before Applicant adopted its GATOR SHOP mark), UAA has licensed its GATORS mark in connection with a variety of products and services. UAA's licensed products bearing the GATORS mark are sold across the United States.
- 8. UAA owns a federal registration for the mark GATORS (Reg. No. 1,222,098) for "entertainment services -- namely, conducting intercollegiate athletic events for others" in International Class 41 and "retail [store] stores, distributorship services and mail order sales services, in the field of wearing apparel and accessories, novelty items and jewelry" in International Class 42, registered on December 28, 1982, claiming a date of first use of 1955. A

true and correct copy of the TARR Record for the GATORS mark (Reg. No. 1,222,098) is attached as **Exhibit 1**.

- 9. UAA has complied with all requirements necessary to maintain its federal registration for the GATORS mark (Reg. No. 1,222,098), which is now incontestable under 15 U.S.C. § 1065.
- 10. UAA owns a federal registration for the mark GATORS (Reg. No. 2,206,967) for "clothing, namely, shirts, T-shirts, sweat shirts, sweat pants, boxer shorts, sweaters, coats, caps and hats" in International Class 25, registered on December 1, 1998, claiming a date of first use of 1955. A true and correct copy of the TARR Record for the mark GATORS (Reg. No. 2,206,967) is attached as **Exhibit 2**.
- 11. UAA has complied with all requirements necessary to maintain its federal registration for the mark GATORS (Reg. No. 2,206,967), which is now incontestable under 15 U.S.C. § 1065.
- 12. UAA owns a federal registration for the mark GATORS (stylized) (Reg. No. 2,205,439), depicted below, for "clothing, namely, shirts, T-shirts, sweat shirts, sweat pants, boxer shorts, sweaters, coats, caps and hats" in International Class 25, registered on November 24, 1998, claiming a date of first use of 1979.



A true and correct copy of the TARR Record for the mark GATORS (stylized) (Reg. No 2,205,439) is attached as **Exhibit 3**.

- 13. UAA has complied with all requirements necessary to maintain its federal registration for the mark GATORS (stylized) (Reg. No. 2,205,439), which is now incontestable under 15 U.S.C. § 1065.
- 14. The University's Gator mascot draws on the University's GATORS athletic identity. UAA owns numerous federal registrations for its Gator mascot and for various Gator designs.
- 15. UAA owns a federal registration for a Gator Design (Reg. No. 1,228,944), depicted below (the "Gator Design"), for "apparel-namely, shirts, sweaters, belts and caps" in International Class 25, registered on March 1, 1983, claiming a date of first use of January 1980.



A true and correct copy of the TARR Record for the Gator Design (Reg. No. 1,228,944) is attached as **Exhibit 4**.

- 16. UAA has complied with all requirements necessary to maintain its federal registration for the Gator Design (Reg. No. 1,228,944), which is now incontestable under 15 U.S.C. § 1065.
- 17. UAA owns a federal registration for the mark FLORIDA GATORS (Reg. No. 2,349,246) for "clothing, namely, shirts, T-shirts, sweat shirts, sweat pants, sweaters, coats, caps and hats" in International Class 25 and "entertainment services, namely, arranging and conducting athletic events, tournaments and exhibitions" in International Class 41, registered on May 16, 2000, claiming a date of first use of 1977 in Class 41 and 1980 in Class 25. A true and

correct copy of the TARR Record for the mark FLORIDA GATORS (Reg. No. 2,349,246) is attached as **Exhibit 5**.

- 18. UAA has complied with all requirements necessary to maintain its federal registration for the mark FLORIDA GATORS (Reg. No. 2,349,246), which is now incontestable under 15 U.S.C. § 1065.
- 19. UAA owns a federal registration for the mark FIGHTING GATORS (Reg. No. 1,225,119) for "apparel -- namely, shirts, bibs, socks and caps" in International Class 25, registered on January 25, 1983, claiming a date of first use of 1955. A true and correct copy of the TARR Record for the mark FIGHTING GATORS (Reg. No. 1,225,119) is attached as **Exhibit 6**.
- 20. UAA has complied with all requirements necessary to maintain its federal registration for the mark FIGHTING GATORS (Reg. No. 1,225,119), which is now incontestable under 15 U.S.C. § 1065.
- 21. UAA's trademarks referenced in paragraphs 6-20 are collectively referred to as "UAA's GATOR Marks."
- 22. As a result of UAA's longstanding and extensive use, UAA's GATOR Marks are symbolic of the extensive goodwill and consumer recognition established by the University. UAA's GATOR Marks have attained a high degree of recognition and distinctiveness throughout the United States in connection with educational services, entertainment services, athletic events, and other goods and services commonly associated with a university as an educational institution and its athletic department. By virtue of the University's expenditure of substantial amounts of time, effort, and money in advertising and promoting its goods and services, UAA's GATOR Marks have come to identify the University's athletics and other services. Purchasers and prospective purchasers, as well as other members of the public, are familiar with and identify

UAA's GATOR Marks and understand and expect that a wide variety of goods and services offered under UAA's GATOR Marks are affiliated with, sponsored, or licensed by the University. Indeed, UAA's GATOR Marks have become well-known for the University's goods and services.

- because the mark and its associated services so resemble UAA's GATOR Marks and the associated goods and services as to be likely to cause confusion, mistake, and deception. The Applicant's Mark incorporates UAA's GATOR mark in its entirety for use in connection with a retail store services offering merchandise relating to the University. Moreover, the specimen submitted with the Application depicts Applicant selling products bearing UAA's trademarks, including the GATOR Marks. A true and correct copy of the specimen is attached as Exhibit 7. Moreover, Applicant's retail store website at www.gatorshop.com prominently displays UAA's GATOR Marks, as depicted in the attached Exhibit 7. The Applicant's website bearing the GATOR SHOP mark also uses the University's well-known orange-and-blue color scheme and features the University's 2012 football schedule. Indeed, the GATOR SHOP mark is depicted in the University's orange-and-blue color scheme.
- 24. Applicant previously operated a brick-and-mortar retail store that sold merchandise relating to the University and was located down the street from the University. Upon information and belief, Applicant sells its products to fans, students, and alumni of the University.
- 25. Persons familiar with UAA's GATOR Marks are likely to believe erroneously that Applicant's services are offered by the University, or are authorized, licensed, endorsed, or sponsored by the University, and registration of Applicant's Mark GATOR SHOP on the Principal Register will be inconsistent with UAA's rights in UAA's GATOR Marks.

- 26. Applicant's Mark also falsely suggests a connection with the University in violation of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).
- 27. The filing fee in the amount of \$300.00 is enclosed. The Commissioner is authorized to debit the deposit account of Kilpatrick Townsend & Stockton LLP (deposit account no. 11-0860) for any deficiency in the required fee.

WHEREFORE, Opposer requests that Application Serial No. 85/480,582 be refused registration and this Notice of Opposition be sustained in its favor.

Respectfully submitted,

/Harris W. Henderson/

R. Charles Henn Jr.

Alicia Grahn Jones

Rosaleen H. Chou

Harris W. Henderson

KILPATRICK TOWNSEND & STOCKTON LLP

1100 Peachtree Street

Suite 2800

Atlanta, Georgia 30309-4530

(404) 815-6500

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served on Applicant on August 29, 2012 via first class mail to:

Sven W. Hanson, Esq. PO Box 357429 Gainesville, Florida 32635-7429

> /Harris W. Henderson/ Counsel for Opposer

CERTIFICATE OF TRANSMITTAL

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION is being filed electronically with the TTAB via ESTTA on this day, August 29, 2012.

/Harris W. Henderson/ Counsel for Opposer

EXHIBIT 1

Thank you for your request. Here are the latest results from the **TARR web server**.

This page was generated by the TARR system on 2012-08-23 15:40:36 ET

Serial Number: 73273111 Assignment Information Trademark Document Retrieval

Registration Number: 1222098

Mark (words only): GATORS

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2003-03-19

Filing Date: 1980-08-06

Transformed into a National Application: No

Registration Date: 1982-12-28

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-04-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. University Athletic Association, Inc.

Address:

University Athletic Association, Inc. Ben Hill Griffith Stadium North-South Drive

Gainesville, FL 32611

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Florida

GOODS AND/OR SERVICES

International Class: 041 Class Status: Active

Entertainment Services-Namely, Conducting Intercollegiate Athletic Events for Others

Basis: 1(a)

First Use Date: 1955-00-00

First Use in Commerce Date: 1955-00-00

International Class: 042 Class Status: Active

Retail Store Stores, Distributorship Services and Mail Order Sales Services, in the Field of Wearing Apparel and

Accessories, Novelty Items and Jewelry

Basis: 1(a)

First Use Date: 1955-00-00

First Use in Commerce Date: 1955-00-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-04-23 - Case File In TICRS

2003-03-19 - First renewal 10 year

2003-03-19 - Section 8 (10-year) accepted/ Section 9 granted

2002-12-27 - Combined Section 8 (10-year)/Section 9 filed

2002-12-27 - PAPER RECEIVED

1988-09-24 - Section 8 (6-year) accepted & Section 15 acknowledged

1988-04-11 - Section 8 (6-year) and Section 15 Filed

1982-12-28 - Registered - Principal Register

1982-10-05 - Published for opposition

1982-08-24 - Notice of publication

1982-08-24 - Approved for Pub - Principal Register (Initial exam)

1981-03-19 - Non-final action mailed

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

UNIVERSITY ATHLETIC ASSOCIATION, INC. BEN HILL GRIFFITH STADIUM NORTH-SOUTH DR GAINSVILLE, FL 32611

EXHIBIT 2

Thank you for your request. Here are the latest results from the **TARR web server**.

This page was generated by the TARR system on 2012-08-23 15:41:27 ET

Serial Number: 75353993 <u>Assignment Information</u> <u>Trademark Document Retrieval</u>

Registration Number: 2206967

Mark (words only): GATORS

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2008-11-26

Filing Date: 1997-09-09

Transformed into a National Application: No

Registration Date: 1998-12-01

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: L50 -TMEG Law Office 105

Date In Location: 2010-07-02

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. University Athletic Association, Inc.

Address:

University Athletic Association, Inc.

P.O. Box 14855

Gainesville, FL 326042485

United States

Legal Entity Type: NOT-FOR-PROFIT CORPORATION

State or Country Where Organized: Florida

GOODS AND/OR SERVICES

International Class: 025 Class Status: Active

clothing, namely, shirts, T-shirts, sweat shirts, sweat pants, boxer shorts, sweaters, coats, caps and hats

Basis: 1(a)

First Use Date: 1955-00-00

First Use in Commerce Date: 1955-00-00

ADDITIONAL INFORMATION

Prior Registration Number(s):

1222098 1225119

1791016

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-06-30 - Case File In TICRS

2008-11-26 - First renewal 10 year

2008-11-26 - Section 8 (10-year) accepted/ Section 9 granted

2008-11-19 - Assigned To Paralegal

2008-11-11 - TEAS Section 8 & 9 Received

2004-10-16 - Section 8 (6-year) accepted & Section 15 acknowledged

2004-09-03 - Section 8 (6-year) and Section 15 Filed

2004-09-03 - TEAS Section 8 & 15 Received

1998-12-01 - Registered - Principal Register

1998-09-08 - Published for opposition

1998-08-07 - Notice of publication

1998-06-08 - Approved for Pub - Principal Register (Initial exam)

1998-05-26 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

JEREMY FOLEY

UNIVERSITY ATHLETIC ASSOCIATION, INC. P.O. BOX 14855 GAINESVILLE FL 32604-2485

EXHIBIT 3

Thank you for your request. Here are the latest results from the **TARR web server**.

This page was generated by the TARR system on 2012-08-23 15:41:47 ET

Serial Number: 75353943 <u>Assignment Information</u> <u>Trademark Document Retrieval</u>

Registration Number: 2205439

Mark



(words only): GATORS

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2009-02-06

Filing Date: 1997-09-09

Transformed into a National Application: No

Registration Date: 1998-11-24

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: L30 -TMEG Law Office 103

Date In Location: 2010-07-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. University Athletic Association, Inc.

Address:

University Athletic Association, Inc.

P.O. Box 14485

Gainesville, FL 326042485

United States

Legal Entity Type: NOT-FOR-PROFIT CORPORATION

State or Country Where Organized: Florida

GOODS AND/OR SERVICES

International Class: 025 Class Status: Active

clothing, namely, shirts, T-shirts, sweat shirts, sweat pants, boxer shorts, sweaters, coats, caps and hats

Basis: 1(a)

First Use Date: 1979-00-00

First Use in Commerce Date: 1979-00-00

International Class: 041

Class Status: Section 8 - Cancelled

Basis: 1(a)

First Use Date: 1981-00-00

First Use in Commerce Date: 1981-00-00

ADDITIONAL INFORMATION

Prior Registration Number(s):

1222098

1225119

1791016

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-06-25 - Case File In TICRS

2009-02-06 - First renewal 10 year

2009-02-06 - Section 9 granted/check record for Section 8

2009-02-06 - Partial Section 8 (10-Year) accepted/checked record for section

2009-02-04 - Post Registration action correction

2009-01-30 - Assigned To Paralegal

2009-01-26 - Combined Section 8 (10-year)/Section 9 filed

2009-01-26 - TEAS Section 8 & 9 Received

2004-10-16 - Section 8 (6-year) accepted & Section 15 acknowledged

2004-09-03 - Section 8 (6-year) and Section 15 Filed

2004-09-03 - TEAS Section 8 & 15 Received

1998-11-24 - Registered - Principal Register

1998-09-01 - Published for opposition

1998-07-31 - Notice of publication

1998-06-08 - Approved for Pub - Principal Register (Initial exam)

1998-05-26 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

JEREMY FOLEY UNIVERSITY ATHLETIC ASSOCIATION, INC. P. O. BOX 14485 GAINESVILLE FL 32604-2485

EXHIBIT 4

Thank you for your request. Here are the latest results from the **TARR web server**.

This page was generated by the TARR system on 2012-08-23 15:42:03 ET

Serial Number: 73269856 <u>Assignment Information</u> <u>Trademark Document Retrieval</u>

Registration Number: 1228944

Mark



(words only): F

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2003-05-16

Filing Date: 1980-07-11

Transformed into a National Application: No

Registration Date: 1983-03-01

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-04-11

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. University Athletic Association, Inc.

Address:

University Athletic Association, Inc. P.O. Box 14485

Gainesville, FL 32604

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Florida

GOODS AND/OR SERVICES

International Class: 025 Class Status: Active

Apparel-Namely, Shirts, Sweaters, Belts and Caps

Basis: 1(a)

First Use Date: 1980-01-00

First Use in Commerce Date: 1980-01-00

ADDITIONAL INFORMATION

Design Search Code(s):

03.21.05 - Alligators; Crocodiles

03.21.26 - Costumed reptiles, frogs and snails and those with human attributes

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-04-11 - Case File In TICRS

2003-05-16 - First renewal 10 year

2003-05-16 - Section 8 (10-year) accepted/ Section 9 granted

2003-03-03 - Combined Section 8 (10-year)/Section 9 filed

2003-03-03 - Combined Section 8 (10-year)/Section 9 filed

2003-03-03 - PAPER RECEIVED

1988-10-15 - Section 8 (6-year) accepted & Section 15 acknowledged

1988-06-03 - Section 8 (6-year) and Section 15 Filed

1983-03-01 - Registered - Principal Register

1982-07-20 - Published for opposition

1982-06-08 - Notice of publication

1982-05-20 - Approved for Pub - Principal Register (Initial exam)

1981-09-14 - Non-final action mailed

1981-06-17 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

ROBERT DUCKWORTH

Correspondent

DUCKWORTH, ALLEN, DYER & DOPPELT ONE SOUTH ORANGE AVENUE SUITE 600 P.O. BOX 3791 ORLANDO, FLORIDA 32802

Domestic Representative

DUCKWORTH, ALLEN, DYER & DOPPELT

EXHIBIT 5

Thank you for your request. Here are the latest results from the **TARR web server**.

This page was generated by the TARR system on 2012-08-23 15:42:24 ET

Serial Number: 75354125 <u>Assignment Information</u> <u>Trademark Document Retrieval</u>

Registration Number: 2349246

Mark (words only): FLORIDA GATORS

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2010-03-31

Filing Date: 1997-09-09

Transformed into a National Application: No

Registration Date: 2000-05-16

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2010-03-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. University Athletic Association, Inc.

Address:

University Athletic Association, Inc.

P.O. Box 14485

Gainesville, FL 326042485

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Florida

GOODS AND/OR SERVICES

International Class: 025 Class Status: Active

clothing, namely, shirts, T-shirts, sweat shirts, sweat pants, sweaters, coats, caps and hats

Basis: 1(a)

First Use Date: 1980-00-00

First Use in Commerce Date: 1980-00-00

International Class: 041 Class Status: Active

entertainment services, namely, arranging and conducting athletic events, tournaments and exhibitions

Basis: 1(a)

First Use Date: 1977-00-00

First Use in Commerce Date: 1977-00-00

ADDITIONAL INFORMATION

Section 2(f), in part, as to "FLORIDA"

Prior Registration Number(s):

1222098

1225119

1791016

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-03-31 - First renewal 10 year

2010-03-31 - Section 8 (10-year) accepted/ Section 9 granted

2010-03-15 - Case Assigned To Post Registration Paralegal

2010-03-12 - TEAS Section 8 & 9 Received

2007-07-05 - Case File In TICRS

2006-04-25 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-04-12 - Assigned To Paralegal

2006-01-23 - Section 8 (6-year) and Section 15 Filed

2006-01-23 - TEAS Section 8 & 15 Received

2000-05-16 - Registered - Principal Register

2000-02-22 - Published for opposition

2000-01-21 - Notice of publication

1999-10-12 - Approved for Pub - Principal Register (Initial exam)

1999-09-13 - Communication received from applicant

1999-03-12 - Non-final action mailed

1998-12-14 - Communication received from applicant

1998-06-12 - Non-final action mailed

1998-06-08 - Assigned To Examiner

1998-05-27 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

JEREMY FOLEY UNIVERSITY ATHLETIC ASSOCIATION, INC. P.O. BOX 14485 GAINESVILLE, FL 32604-2485

EXHIBIT 6

Thank you for your request. Here are the latest results from the **TARR web server**.

This page was generated by the TARR system on 2012-08-23 15:42:41 ET

Serial Number: 73269858 <u>Assignment Information</u> <u>Trademark Document Retrieval</u>

Registration Number: 1225119

Mark (words only): FIGHTING GATORS

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2003-03-26

Filing Date: 1980-07-11

Transformed into a National Application: No

Registration Date: 1983-01-25

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-04-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. University Athletic Association, Inc.

Address:

University Athletic Association, Inc.

P.O. Box 14485

Gainesville, FL 32604

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Florida

GOODS AND/OR SERVICES

International Class: 025 Class Status: Active

Apparel-Namely, Shirts, Bibs, Socks and Caps

Basis: 1(a)

First Use Date: 1955-00-00

First Use in Commerce Date: 1955-00-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-04-18 - Case File In TICRS

2003-03-26 - First renewal 10 year

2003-03-26 - Section 8 (10-year) accepted/ Section 9 granted

2003-01-17 - Combined Section 8 (10-year)/Section 9 filed

2003-01-17 - PAPER RECEIVED

1988-08-30 - Section 8 (6-year) accepted & Section 15 acknowledged

1988-04-11 - Section 8 (6-year) and Section 15 Filed

1983-01-25 - Registered - Principal Register

1982-11-02 - Published for opposition

1982-09-21 - Notice of publication

1982-09-16 - Approved for Pub - Principal Register (Initial exam)

1981-09-14 - Non-final action mailed

1981-06-17 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

UNIVERSITY ATHLETIC ASSOCIATION INC. P. O. BOX 14485

GAINESVILLE FL 32604

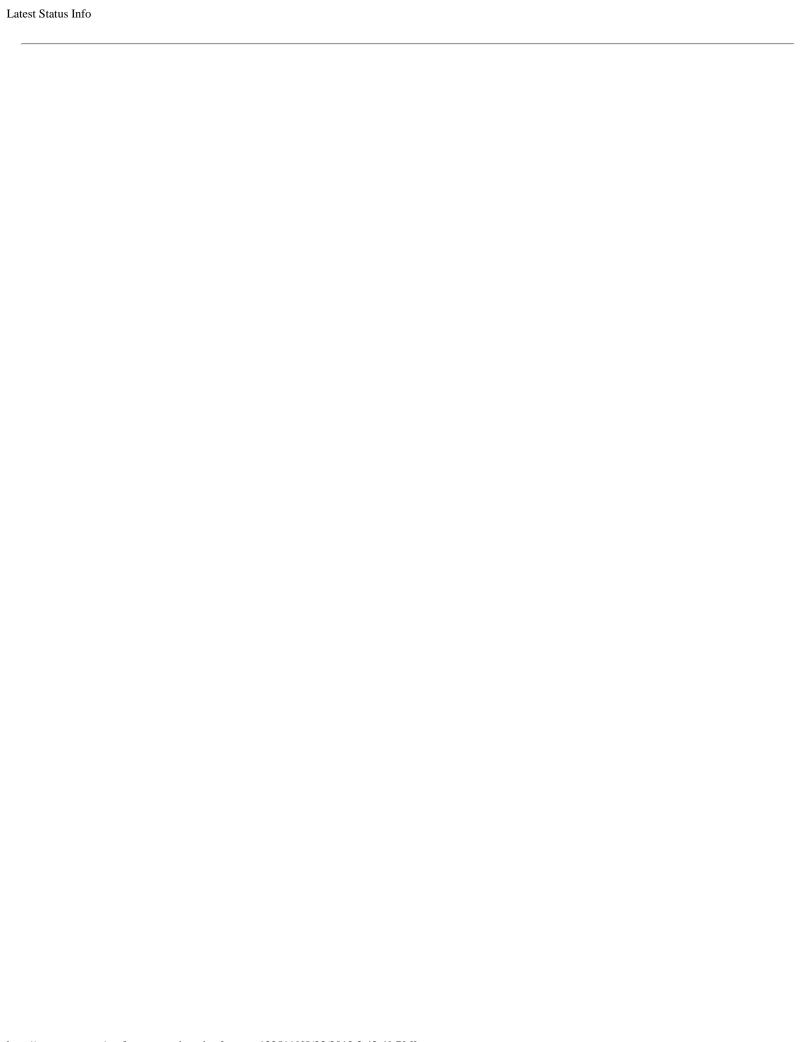


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Music & Toys

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Featured Items



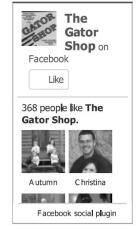
Tim Tebow Everything in Between DVD



Nike 2011 Coaches **Pullover Jacket White**



Nike Vintage Beanie Royal with Albert



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Sweatpants

Nike Backfield Woven Lightweight Jacket



Nike Vintage Royal

Long Sleeve Albert T-

shirt

Nike Royal Gator Head Hat with Orange Trim



Nike Gator Head

Long Sleeve Waffle

Nike 2011 **Coaches Polo** White

2011 Gator **Schedule**

Orange & Blue FL Atlantic Sep 3

Alabama-Sep 10 Birmingham

Sep 17 Tennessee

Sep 24 @ Kentucky

Oct 1 Alabama

Oct 8 @ LSU

Oct 15 @ Auburn

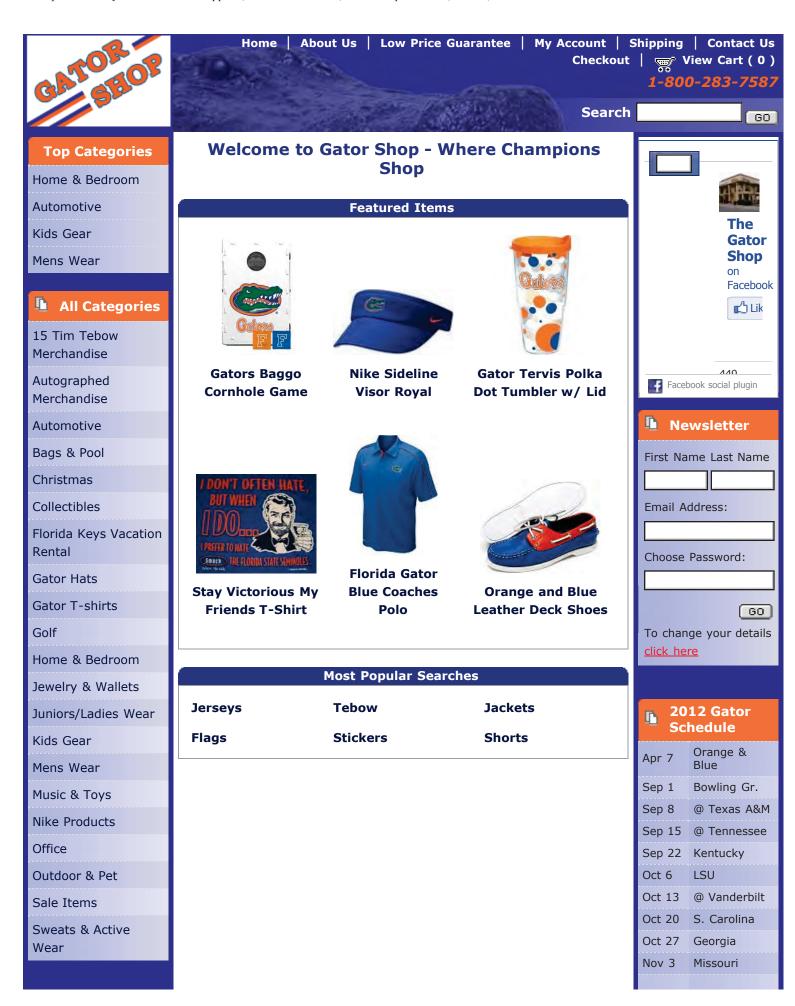
Oct 29 Georgia Nov 5 Vanderbilt

Nov 12 @ S. Carolina

Nov 19 Furman

Nov 26 FSU

EXHIBIT 8





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ABOUT THE GATOR SHOP

1702 West University Avenue Suite A-1 Gainesville, FL 32603 (352) 376-5191 Fax (352) 376-0910

Hello from the **Gator Shop!** Our company was established in 1946 and has been trying to make purchasing Gator accessories easier ever since. We hope that you will enjoy shopping at our web site and will continue to use our services in the future to find your Gator merchandise.

All orders placed through your Gator Club receive a 15% discount. In addition, all members of the Alumni Association who have their Alumni number can receive the same discount (some restrictions may apply). Our company often sends Gator Clubs a few boxes of merchandise when they are having a meeting so that the members can see an assortment of the items we offer. The merchandise can be sold and the remaining items sent back to us. This may be something to keep in mind at your next Gator Club meeting.

We would like to help you out in any way we can. Feel free to call us any time at 800-365-8633 with questions or comments that you may have. We also send out a free season catalog, which goes out in July. To be put on our mailing list and receive our catalog annually, please call our 800 number and we would be more than happy to sign you up.

The Gator Shop is not responsible for any "glitches" in your computer that do sometimes occur while shopping online. Prices are subject to change without further notice.

We are looking forward to doing business with you. Thanks again, and **Go Gators**!

Joi Michelle Internet Division 2502 N.W. 16th Avenue Gainesville, FL 32605

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GATORSHOP.COM LOW PRICE GUARANTEE

GatorShop.com is pleased to offer a low price guarantee to our loyal and much appreciated customers. If you find a lower price on a product we offer at another website, we will match the price of that product when we process your order. The low price guarantee applies to non-autographed products that are in stock at the time of purchase.

If another website has a lower price than ours on a product we have, please follow the 4 steps below and we will match the competing price.

- 1. Highlight and copy the next 5 lines:
- Product name on GatorShop.com =
- Other website's web address (ex: www.abc.com) =
- Link to product on other website =
- Product price on other website =
- Your name =
- 2. Send an email to sales@gatorshop.com and paste the above 5 lines into the email and answer each question.
- 3. After sending the email, please complete your order including the product with the lower price.
- 4. Your order will be processed within 24-48 hours and the amount charged to you will reflect the lower competing price when verified during order processing.

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Our Shipping Rates

Our shipping rates for the continental US are based on the total purchase amount of your order (call for rates to Hawaii and Alaska):

Standard Shipping to the Continental U.S. is now a flat rate of \$4.95!

For expedited shipping options or for orders outside the Continental U.S., please call us at 800-365-8633.

Most orders are sent via the United States Postal Service. In some cases we may use UPS Ground instead.

Shopping for someone else? Give the gift of gator gear!

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10 inch F Magnet \$10.99

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12 inch Gators Block magnet Available in White and Orange \$4.99

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12 inch Running Gator 1 Magnet

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12 inch Running **Gator Magnet 2**

Available in 2" and 12"

\$1.99

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18 inch Gator Head and Script \$11.99

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18 inch Script Magnet \$12.99

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18" x 10" Swamp **Bound Magnet**

\$11.99

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18" x 6" Swamp Bound Magnet \$8.99

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4 inch "F" Magnet \$2.99

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Albert Car Flag Available in Orange and Blue \$9.99

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Albert Decal 4"x4" \$3.99

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Albert Magnet
Available in 2", 4", 8", 12"
\$1.99

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Antenna Flag \$5.99

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Block Gators Sticker Regularly: \$4.49 Now: \$0.99

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Blue Gators Script Decal

Available in 2 sizes **\$8.99**

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Bottle Opener Keychain w/ Clip

\$8.99

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Camo Vinyl Gator Head Decal \$10.99

\$10.93

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Car Tag Frame: Laser Cut Gator Girl \$15.99

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Car Tag: Gator Head Royal or Orange \$19.99

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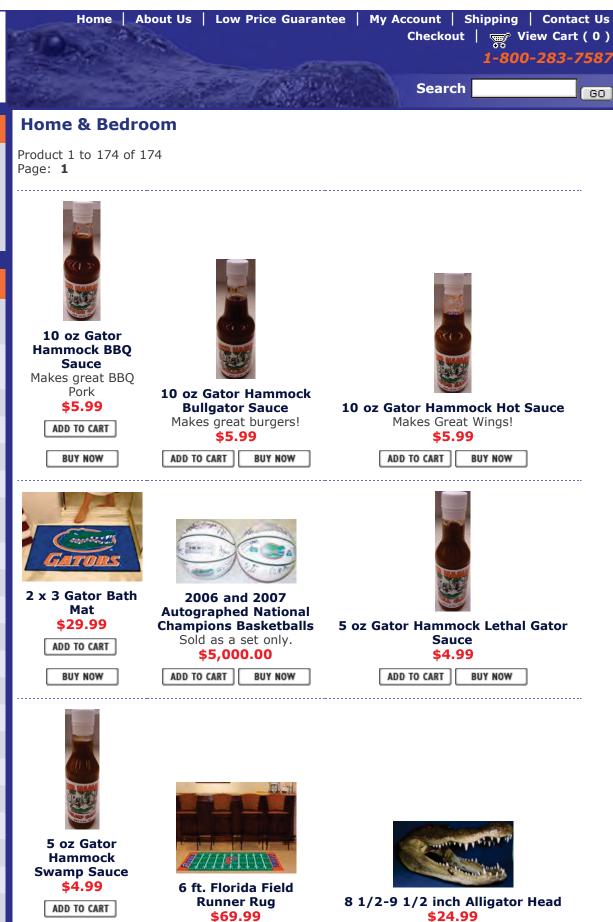
Car Tag: Pewter Oval Gator Head \$28,99

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8 pack Paper Coasters \$3.99

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Albert Banner Flag 2 Sided \$25.99

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Albert Clear Tervis Tumbler available in 16oz and 24oz \$12.99

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Albert Shot Glass \$3.99

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Alligator Claw Backscratcher

\$4.99

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Alligator Flask Set \$43.99

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Authentic Helmet Signed by Urban Meyer **Regularly:**

\$399.99 Now: \$199.99

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Bartender's Bottle Opener

Vinyl handle \$7.99

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Bronze Garden Statue \$99.99

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Brown Wooden Picture Frame 4x6 matted picture or 5x7 unmatted





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Gator Hats

Gator T-shirts

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Bow on Bow Barrette Available in Orange and Blue \$4.99

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Calley Orange Dress

Our Calley dress is strapless chiffon over a stretch-knit underslip to keep you cool during hot football games

> Regularly: \$79.99 Now: \$24.99

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Embroidered Albert Patch

\$1.50

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Embroidered Gator Head Patch

\$0.99

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Florida Aviator Sunglasses

Florida on the side \$19.99

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Florida Blue Glitter Missy T-Shirt

Florida written in Orange glitter. Glitter in Gator Head. Also available in Plus sizes

\$35.99

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Florida Colosseum Stadium T-Shirt \$23.99

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Florida Gator Kindle Fire Cover \$34.99

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Florida White Glitter T-Shirt

\$35.99

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Flower Leather Flip Flops \$39.99

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Gator 2 pack Barrettes \$5.99

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Gator 2 Sided Lanyard \$7.99

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Gator Badge Reel \$4.99

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Gator Cell Phone Purse
Leather. with black strap
\$22.99

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Gator Crocs
Available in Adult and Kids.
Navy Blue with Gator head
logo on front, Gators Script
logo on heel.

\$31.99

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Gator Floral Satin Scarf \$9.99

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Gator Gameday Purse 100% polyester \$43.99

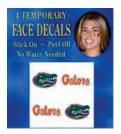
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Gator Head Lapel Pin \$3.99

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Gator Head/Script Tattoos 4 pack. Stick on

\$2.99

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Gator Headband \$5.99

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Gator IPhone 4 Cover \$24.99

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Gator Ladies Foil T-Shirt
Foil print
\$25.99



Gator Ladies Football Jersey \$19.99



Gator Ladies Orange Slick Short \$19.99



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4 pack Gator Head Stick on **Tattoo**

No water needed! \$2.69

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Albert Navy Tie \$24.99

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Albert Sticker \$1.69

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Autographed

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Kids Gear

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Brown Croc Leather Belt w/ Gator head Concho

4 Gator head conchos on belt \$44.99

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Brown Leather Gator Belt

4 Gator head conchos on belt

\$44.99

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Columbia Blue Fishing Shirt \$55.00

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Columbia Bonehead Orange Shirt

\$55.00

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Columbia Khaki Fishing Shirt \$55.00

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Columbia Tamiami Button Up

Lightweight material \$64.99

ADD TO CART BUY NOW





Croc Leather Belt with Gator Head Concho



Columbia White Fishing
Shirt

\$55.00

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4 Gator head conchos on belt

\$44.99

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Embroidered Albert Patch

\$1.50

ADD TO CART BUY NOW



Embroidered Gator Head
Patch
\$0.99

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BUY NOW



Florida Aviator
Sunglasses
Florida on the side

Florida on the side \$19.99

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Florida Gator Blue Coaches Polo

\$64.99

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Florida Gator Kindle Fire Cover \$34.99

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Florida Gators Croakie \$7.99

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Florida Gators Nylon Wallet

\$6.99

ADD TO CART BUY NOW



Gator 2 Sided Lanyard \$7.99

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Gator Badge Reel \$4.99

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Gator Baseball Replica Jersey \$60.00

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Gator Black Ping Performance Polo \$50.00

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Gator Columbia White Polo \$54.99

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